

## REMARKS

After entry of this amendment, claims 1-8, 11-26, and 30-32 remain pending. In the Office Action, claims 10, 22-26, and 29-32 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-9, 12-13, 15-17, and 27-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bittinger et al., U.S. Patent No. 5,867,661. Claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bader et al., U.S. Patent No. 6,542,934. Applicants respectfully traverse the above rejections. Claims 11, 14, and 18-21 were objected to as being dependent from a rejected base claim but would be allowable if rewritten in independent form. Claims 10, 22-26, and 30-32 were indicated as allowable if rewritten to overcome the section 112 rejection and also rewritten in independent form. To expedite issuance of the allowable claims, Applicants have amended the claims as set forth below.

### Allowable Claims

Claim 10 was indicated as allowable if rewritten to overcome the section 112 rejection and rewritten in independent form. Applicants have amended claim 1 to include the features of claims 9 and 10. Accordingly, amended claim 1 corresponds to claim 10 in independent form. Applicants have also addressed the section 112 rejection by deleting the word "has" from the phrase "has is". Accordingly, Applicants submit that claim 1 is in condition for allowance. Claims 2-8, 12-13, and 15-17 depend from claim 1, and thus are also in condition for allowance.

Claims 11, 14, 18, and 21 have been rewritten in independent form, and thus are in condition for allowance. Claims 19-20 depend from claim 18, and thus are also in condition for allowance.

Claim 22 has been rewritten to include the features of claim 1. Claim 22 originally was dependent from claim 16, which in turn depends from claim 15, which depends from claim 1. However, the section 112 rejection alleges that it is unclear how the determining step added in claim 22 occurs since claim 15 recites that the first data channel was destructed. By omitting the features of claim 16 and 15 in amended claim

22, the section 112 rejection is obviated. Applicants submit that amended claim 22 is patentable over Bittinger et al. For example Bittinger et al. does not teach or suggest a combination of features including "determining if the first data channel remains active." Accordingly, Applicants submit that claim 22 is in condition for allowance. Claims 23-26 depend from claim 22, and thus are in condition for allowance as well.

Applicants have amended claim 30 to include the features of claim 29. Claim 29 has been cancelled, obviating the section 112 rejection. Additionally, Applicants have removed the word "continue" from the phrase that begins "reconstructing a second data channel" in claim 30. Applicants respectfully submit that claim 30 meets the requirements of 35 U.S.C. § 112. Accordingly, Applicants submit that claim 30 is in condition for allowance. Claims 31-32 depend from claim 30, and thus are in condition for allowance as well.

#### Section 112 Rejections

The Office Action asserted specific rejections with regard to claims 10, 22, and 29. These rejections have been addressed as described in the previous section. Accordingly, Applicants submit that the section 112 rejections are overcome.

#### Abstract Objection

The Office Action objected to the wording of the abstract. Applicants have amended the abstract to remove the wording, as well as to make other minor corrections. Applicants submit that the amendment to the abstract addresses the objection. Applicants have also amended the specification to correct a mistake in the serial number in the priority claim paragraph and to supply serial numbers of copending applications.

#### Drawing Objection

The Office Action objected to the drawings, indicating that "Fig. 1" should be labeled "Fig. 1B" to conform to the specification. Applicants submit herewith an amended set of drawings to replace all drawings currently on file. The amended set

changes the label of Fig. 1 to Fig. 1B. Additionally, Fig. 3 has been amended to include reference numerals 178a and 178b, as mentioned in the specification at page 7, line 15.

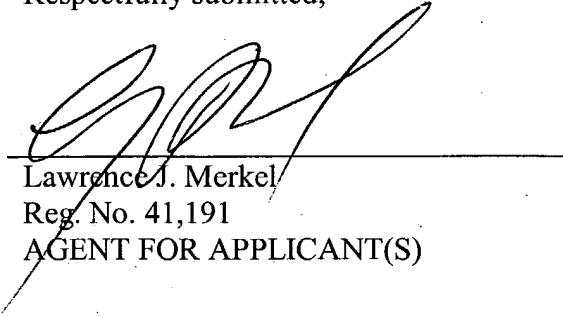
### **CONCLUSION**

Applicants submit that the application is in condition for allowance, and an early notice to that effect is requested. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-22900/LJM.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Petition for Extension of Time
- Notice of Change of Address
- Please debit the above deposit account in the amount of \$344 for fees (\$344 for 4 excess independent claims).
- Other: Amended Drawings, Information Disclosure Statement and cited references, new abstract

Respectfully submitted,



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